

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 8/12/2019

BOARD MEMBERS PRESENT: H Scott Calhoun - Chair
Brent Lee Stanger
B Jane McClaran
Eric J Brinton
Paul J Morgan

BUREAU STAFF: Kelley Packer, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Marcie Rightnowar, Appeals Hearing Technician
Nicholas Krema, General Counsel
Rob McQuade, Legal Counsel
Eric Nelson, Board Prosecutor
Cesley Metcalfe, Board Specialist

OTHERS PRESENT: Jason Gerhard, Licensed Residential Appraiser

The meeting was called to order at 8:30 AM MDT by Paul J Morgan.

APPROVAL OF MINUTES

Ms. McClaran made a motion to approve the minutes of June 4, 2019 as amended. It was seconded by Mr. Brinton. Motion carried.

EXECUTIVE SESSION

Mr. Brinton made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Ms. McClaran. The vote was: Mr. Morgan, aye; Ms. McClaran, aye; Mr. Stanger, aye; and Mr. Brinton, aye. Motion carried.

Mr. Brinton made a motion to come out of executive session. It was seconded by Ms. McClaran. Motion carried.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case number REA-2019-8. After discussion, the Board gave recommendations for appropriate discipline. Mr. Brinton was recused.

INVESTIGATIVE REPORT

Ms. Rightnowar gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Stanger made a motion to approve the Bureau's recommendation and authorize closure in case numbers I-REA-2019-22, I-REA-2019-23, I-REA-2019-24, I-REA-2019-26, I-REA-2020-1, and I-REA-2020-2. It was seconded by Ms. McClaran. Motion carried. Mr. Brinton was recused from cases I-REA-2019-22 and I-REA-2019-23.

Mr. Stanger made a motion to accept the CEU Settlement in case REA-2019-2 and authorize the Board chair to sign on behalf of the Board. It was seconded by Ms. McClaran. Motion carried.

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Mr. Brinton made a motion to come out of executive session. It was seconded by Ms. McClaran. Motion carried.

Mr. Stanger made a motion to deny a request for probation termination in case REA-2017-9, and to extend the probation for twelve months from April 2019. It was seconded by Mr. Brinton. Motion carried.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$826,420.25 as of June 30, 2019.

BOARD CONTRACT

Mr. Krema and Ms. Hall presented the 2020 fiscal year Board contract. Ms. McClaran made a motion to approve the contract and to allow the Board chair to sign on behalf of the Board. It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun joined the meeting at 9:25 AM MDT.

BOARD MEETING PROCEDURES TRAINING

Mr. Krema presented training regarding Board meeting procedures.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

NEW BUSINESS

NEGOTIATED RULEMAKING UNDER THE RED TAPE REDUCTION AND LICENSING FREEDOM ACT EXECUTIVE ORDERS; OPPORTUNITY FOR PUBLIC PARTICIPATION AND COMMENT

Mr. McQuade reviewed the proposed rules with the Board. A member of the public commented that he found Rules 250 and 275 very useful when he applied as a trainee. The Board also discussed pending rules and comment periods. Mr. Calhoun made a motion to adopt the changes to the Board's rules and authorize the Bureau to move forward in the legislative process. It was seconded by Ms. McClaran. Motion carried.

OUT OF STATE TRAINEE EXPERIENCE

The Board reviewed Rules 250, 275, and 276 and determined that Idaho real estate appraiser applicants must show proof of an Idaho real estate appraiser trainee registration with an approved supervisor who holds an Idaho Certified Residential Appraiser or Idaho Certified General Appraiser credential.

Mr. Stanger left the meeting at 12:30 PM MDT.

TRAINEE EXPERIENCE DAILY ALLOWANCE

The Board discussed the need to add a provision to its administrative rules for a maximum allowable amount of experience hours per day. The Board directed Bureau staff to amend Rule 250.02(e)(5) to include a maximum of eight hours per day and present a draft of the amended rule at its next meeting. As a result, the rules will not move forward in the legislative process until the Board has an opportunity to review the draft.

APPRAISAL MANAGEMENT COMPANY APPLICATION REVIEW

The Board reviewed an update to the Appraisal Management Company (AMC) application. Mr. Calhoun made a motion to approve the AMC application as amended. It was seconded by Ms. McClaran. Motion carried.

ASSOCIATION OF APPRAISER REGULATORY OFFICIALS (AARO) FALL CONFERENCE

The Board discussed the upcoming Association of Appraiser Regulatory Officials (AARO) 2019 Fall Conference, scheduled for October 18-21 in Washington, D.C. Mr. Calhoun made a motion to authorize two Board members and one Bureau staff to attend the conference and to pay related expenses. It was seconded by Ms. McClaran. Motion carried.

CONTINUING EDUCATION AUDIT DOCUMENTATION

The Board discussed what documents are acceptable proof of completion for continuing education audits. The Board will accept course provider transcripts if they state the course title, the date the course was completed, and the number of hours for the course.

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Mr. Calhoun made a motion to come out of executive session. It was seconded by Ms. McClaran. Motion carried.

ELECTIONS

Ms. McClaran made a motion to nominate Mr. Calhoun as the Board chair and Mr. Morgan as the Board vice-chair. It was seconded by Mr. Brinton. Motion carried.

APPLICATIONS

Mr. Calhoun made a motion to approve the following for CRA examination:

901141400

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to approve the following for CGA examination:

901150875

It was seconded by Ms. McClaran. Motion carried.

Mr. Calhoun made a motion to approve the following for registration:

APPRAISAL MARK LLC	AMC-5004
INCENTER APPRAISAL MANAGEMENT LLC	AMC-5012
AMERIMAC APPRAISAL MANAGEMENT LLC	AMC-5019

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to approve the following for CRA examination:

901164084

It was seconded by Ms. McClaran. Motion carried.

Mr. Calhoun made a motion to approve the following for licensure:

JASON GERHARD CRA-4932

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to deny the following based on IDAPA 24.18.01.250.02 (b) and IDAPA 24.18.01.276.01 (i) because the applicant did not obtain the required experience hours with an Idaho licensed supervisor:

MARK ENRIQUEZ

It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to deny the following based on I.C. §§ 54-4107(c)-(e) because the applicant violated these provisions in a previous disciplinary action. Material misrepresentations were made regarding the inspection of properties that were the subject of the previous disciplinary action; multiple provisions of the statutes and rules governing the practice of real estate appraisal were violated; and the applicant was found negligent in the appraisals for which he was subject to discipline.

VAL JENSEN

It was seconded by Mr. Brinton. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence from Richard Bauer regarding reinstating a license that has been expired for more than five years. Mr. Calhoun made a motion directing Bureau staff to respond to Mr. Bauer with a letter citing the rules on educational requirements and directing him to the appropriate application he will need to submit. The response will be reviewed and signed by the Board chair. It was seconded by Mr. Brinton. Motion carried.

NEXT MEETING was scheduled for October 28, 2019 at 8:30 AM MDT.

ADJOURNMENT

Ms. McClaran made a motion to adjourn the meeting at 2:17 PM MDT. It was seconded by Mr. Brinton. Motion carried.

H Scott Calhoun, Chair

Brent Lee Stanger

B Jane McClaran

Eric J Brinton

Paul J Morgan

Kelley Packer, Bureau Chief